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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,226	10/31/2003	Hyungjun Kim	YOR920030208US1	3395

7590

09/07/2005

David Aker  
23 Southern Road  
Hartedale, NY 10530

EXAMINER
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CHEN, BRET P

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/699,226

Applicant(s)

KIM ET AL.

Examiner

B. Chen

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) 22-25 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-21 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-25 are pending in this application.

#### ***Election/Restrictions***

Applicant's election of claims 1-21 in the reply filed on 7/21/05 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 22-25 have been withdrawn from consideration as being directed to a nonelected invention.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, the limitation of forming a substantially nitrogen free layer of tantalum is vague and confusing. This limitation contradicts independent claim 1 which requires the formation of a tantalum nitride layer. Clarification and appropriate amendments are requested. The same issue applies to claim 6.

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In claim 11, the term "low dielectric constant" is deemed a relative term which renders the claim indefinite. The term "low" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In claim 21, the limitation of sequentially exposing to a nitrogen plasma and hydrogen plasma is vague and confusing. This limitation contradicts independent claim 1 which requires the exposure to both at the same time. Clarification and appropriate amendments are requested.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kim et al. (ALD 2002).** Kim discloses a plasma enhance atomic layer deposition of Ta and TaN thin films using tantalum pentachloride as a precursor in the presence of a nitrogen plasma and a hydrogen plasma. The N/Ta ratio is varied which affects the growth rate. Times are varied between 2 and 5 seconds.

**Claims 1-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kim et al. (J.Vac.Sci.Tech B) or Kim et al. (J.Vac.Sci.Tech A) or Rossnagel et al. (J.Vac.Sci.Tech**

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B). All the references cited by the applicant disclose a plasma enhance atomic layer deposition of Ta and TaN thin films using tantalum pentachloride as a precursor in the presence of a nitrogen plasma and a hydrogen plasma.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al. (6,936,906).** Chung discloses a method of depositing tantalum nitride for use as conformal barrier layer to prevent copper diffusion (col.1 lines 64-67) by atomic layer deposition (col.4 line 65). A tantalum containing compound such as can be tantalum halide can be provided with the aid of a carrier gas (col.5 lines 53-67) and a nitrogen/hydrogen plasma are utilized (col.6 lines 15-22). The process can subsequently be repeated (col.6 lines 45-65). The concentration of nitrogen can be varied (col.7 lines 49-67). A silicon wafer having a silicon oxide layer can be used as the substrate (col.4 lines 46-62). However, the reference remains silent on a "hydrogen plasma and a nitrogen plasma".

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It is noted that the reference clearly teaches the use of a nitrogen plasma as taken above. The reference is also explicit on N<sub>2</sub>/H<sub>2</sub> plasma (col.6 line 20). One skilled in the art would reasonably expect that this would suggest that a nitrogen and a hydrogen plasma could be utilized. Hence, it would have been obvious to one skilled in the art to utilize a hydrogen plasma and a nitrogen plasma because Chung clearly suggests its use.


The limitations of claims 2-21 have been addressed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Chen whose telephone number is (571) 272-1417. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bc  
9/4/05

  
BRET CHEN  
PRIMARY EXAMINER